

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHELE COFFEY,

Plaintiff,

v.

12-CV-138(A)

PATRICK R. DONAHOE, POSTMASTER
GENERAL,

Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that defendant, by his attorneys, William J. Hochul, Jr., United States Attorney for the Western District of New York, and Michael S. Cerrone, Assistant United States Attorney, hereby moves this Court for an order: (i) pursuant to Fed. R. Civ. P. 12(b)(6), dismissing plaintiff's complaint on the basis of the statute of limitations; and (ii) for such other and further relief as the Court may deem just or proper. Defendant's motion is supported by the accompanying Memorandum of Law.

PLEASE TAKE NOTICE THAT the motion will be heard at the United States Courthouse, 2 Niagara Square, Buffalo, New York at a date and time to be set by the Court.

PLEASE TAKE FURTHER NOTICE THAT defendant intends to serve and file reply papers and, therefore, any papers in opposition to this motion are due fourteen days after service of this motion pursuant to Local Rule 7(b)(2)(B), unless otherwise ordered by the Court.

DATED: Buffalo, New York, April 30, 2012.

WILLIAM J. HOCHUL, JR.
United States Attorney

BY: S/Michael S. Cerrone
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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2012, I electronically filed the foregoing **NOTICE OF MOTION**, with the Clerk of the District Court using its CM/ECF system which would then notify:

1. Lindy Korn, Esq.
Lkk75@aol.com

S/Diana R. Connell

DIANA R. CONNELL

Legal Assistant